

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DOROTHY DANIELS,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-CV-15955

MENTOR WORLDWIDE LLC, et al.

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is Defendant Coloplast Corp. (“Coloplast”) and Mentor Worldwide, LLC’s (“Mentor”) Motion to Dismiss Pursuant to FRCP Rule 37, filed August 3, 2018, 2018. [ECF No. 13]. In the Motion, defendants Coloplast and Mentor move to dismiss plaintiff’s claims against them with prejudice for failure to serve and file a plaintiff fact sheet. Plaintiff has not responded.

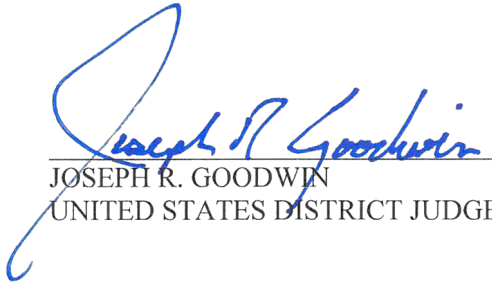
The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the plaintiff’s claims against Coloplast and Mentor should be dismissed without prejudice for failure to serve and file a completed plaintiff fact sheet in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that the Motion to Dismiss [ECF No. 13] is **GRANTED in part to the extent Coloplast and Mentor seek dismissal** and **DENIED insofar as Coloplast and Mentor seek dismissal with prejudice**. The court **ORDERS** that Coloplast and Mentor

are dismissed without prejudice. No additional defendants remain, and the Clerk is **DIRECTED** to dismiss and strike the case from the active docket.

The court further **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 18, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE